

1  
2  
3  
4  
5  
6  
7  
8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT SEATTLE

11                  NANCY GILL,

12                  v.  
13                  Plaintiff,

14                  MICHAEL MAGAN, et al.,

15                  Defendants.

16                  CASE NO. C19-860 MJP

17                  ORDER GRANTING MOTION TO  
18                  COMPEL

19                  THIS MATTER comes before the Court on Defendants' Motion to Compel Discovery.  
20                  (Dkt. No. 34.) Having reviewed the Motion, the Response (Dkt. No. 39), the Reply (Dkt. No.  
21                  41), and the related record, the Court GRANTS the Motion.

22                  Plaintiff alleges that Defendants mistakenly and negligently entered her house in  
23                  connection with "the bank robber" who previously lived there. (Dkt. No. 1, Ex. 1 ("Compl."),  
24                  ¶¶ 17, 19-20.) As a result, Plaintiff suffered economic and non-economic damages, including  
lasting emotional distress that caused her to lose her job. (*Id.*, ¶ 25.) She filed this action against  
Defendants Michael Magan and Michael Gonzales of the Seattle Police Department, Mike

1 Mansur of the Snohomish County Sheriff’s Office, the City of Seattle, and Snohomish County.  
2 (Id. ¶¶ 4-8.)

3 Defendants now move to compel Plaintiff to produce information from her cell phone in  
4 response to several of Defendants’ discovery requests. (Dkt. No. 34.) These requests seek  
5 documents and information related to the incident, including Plaintiff’s relevant communications  
6 over the following months. (See Dkt. No. 35, Ex. 1 at 13 (“Please produce all photographs or  
7 videos that you took on August 22, 2017) at 16 (“Please produce all communications (whether in  
8 the form of e-mails, text messages or messages on social media platforms) from January 2017 to  
9 the present that contain the words “Fisher” or “robber” or “FBI”).) Finding that these requests  
10 are relevant to Plaintiff’s claims, the Court GRANTS Defendants’ Motion and ORDERS the  
11 following:

- 12 (1) Plaintiff is to provide the passcode(s) to unlock her phone. The independent forensic  
13 consulting firm, Muchmore Consulting LLC, will extract the requested data from  
14 Plaintiff’s phone and perform the analysis. (Dkt. No. 34 at 2.) The Seattle Police  
15 Department will not be involved in this process.
- 16 (2) Within seven days of the date of this Order, Counsel will have a voice to voice or face  
17 to face meeting to confer on the details of transfer.
- 18 (3) Muchmore Consulting has 10 days from the date of transfer to extract responsive text  
19 messages, photographs, videos, and call logs from the period August 22, 2017 to  
20 December 1, 2017. Muchmore Consulting shall return the phone to Plaintiff  
21 immediately thereafter.
- 22 (4) Defendants will supply a substitute phone for this period at their expense. This will  
23 be a taxable cost if Defendants prevail in this action.

The clerk is ordered to provide copies of this order to all counsel.

Dated April 10, 2020.

*Wesley Pekema*

---

Marsha J. Pechman  
United States District Judge